

PATENT COOPERATION TREATY

RECEIVED

18 APR. 2002

PAT. ADMIN
PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:
BAXTER AKTIENGESELLSCHAFT
Attn. Gassner, Birgitta
Industriestrasse 67
A-1220 Vienna
AUSTRIA

PREVIOUSLY
DOCKETED

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 41.1)

Date of mailing
(day/month/year)

17/04/2002

Applicant's or agent's file reference

239PCT

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP 00/12995

International filing date
(day/month/year)

20/12/2000

Applicant

BAXTER AKTIENGESELLSCHAFT

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
* Fascimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 80bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 8018, Patentlaan 2
NL-2280 HV Rijswijk
Tel: (+31-70) 340-2040, Tx. 31 851 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Catherine Humbert

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|---|--|--|
| Applicant's or agent's file reference 239PCT | FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small> | |
| International application No. PCT/EP 00/12995 | International filing date (day/month/year) 20/12/2000 | (Earliest) Priority Date (day/month/year) 22/12/1999 |
| Applicant BAXTER AKTIENGESELLSCHAFT | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No.
PCT/EP 00/12995

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C12Q1/68 C12Q1/70

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS, MEDLINE, FSTA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| A | SHERIDAN G E C ET AL: "Detection of mRNA by reverse transcription-PCR as an indicator of viability in Escherichia coli cells." APPLIED AND ENVIRONMENTAL MICROBIOLOGY, vol. 64, no. 4, April 1998 (1998-04), pages 1313-1318, XP002194990 | |
| A | SANYAL A ET AL: "An effective method of completely removing contaminating genomic DNA from an RNA sample to be used for PCR" MOLECULAR BIOTECHNOLOGY, vol. 8, 1 August 1997 (1997-08-01), pages 135-137, XP002092903 | |

-/-

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

*** Special categorization of cited documents:**

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *I* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *Z* document member of the same patent family

Date of the actual completion of the international search

4 April 2002

Date of mailing of the international search report

17/04/2002

Name and mailing address of the ISA

European Patent Office, P.B. 5616 Patentlaan 2
NL - 2280 HV Rijswijk
Tel: (+31-70) 340-2040, fx. 31 661 699 91,
Fax: (+31-70) 340-3016

Authorized officer

Teyssier, B

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/12995

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| A | ZIMMERMANN K & MANNHALTER J: "Technical aspects of quantitative competitive PCR" BIOTECHNIQUES, vol. 21, no. 2, 1 August 1996 (1996-08-01), pages 268-270, 272, 27, XP000597689 | |
| A | US 5 789 153 A (FALKNER FALKO-GUENTER ET AL) 4 August 1998 (1998-08-04) cited in the application | |
| P, X | NOGVA H K ET AL: "Application of the 5'-nuclease PCR assay in evaluation and development of methods for quantitative detection of Campylobacter jejuni." APPLIED AND ENVIRONMENTAL MICROBIOLOGY, vol. 66, no. 9, September 2000 (2000-09), pages 4029-4036, XP002194991 the whole document | 1-20 |

INTERNATIONAL SEARCH REPORT

international application No.
PCT/EP 00/12995

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
see FURTHER INFORMATION sheet: PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claim 9 relates to any pharmaceutical preparation. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the products claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the use of the method of claim 1 to test pharmaceutical preparations.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/12995

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|----------------------------|---------------------|
| US 5789153 | A | 04-08-1998 | AT 401062 B | 25-06-1996 |
| | | | AT 183194 A | 15-10-1995 |
| | | | AT 210735 T | 15-12-2001 |
| | | | CA 2159044 A1 | 27-03-1996 |
| | | | DE 59509938 D1 | 24-01-2002 |
| | | | EP 0714988 A2 | 05-06-1996 |
| | | | JP 8107798 A | 30-04-1996 |
| | | | AT 224594 A | 15-10-1997 |